

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL MYERS,
Plaintiff

v.

DR. FOLEREZELL,
Defendant

No. 3:23-cv-1989

(Judge Munley)

MICHAEL MYERS,
Plaintiff

v.

DR. LAUREL HARRY,
Defendant

No. 3:23-cv-1990

(Judge Munley)

ORDER

AND NOW, to wit, this 7th day of December 2023, in accordance
with the Court's memorandum issued this same day, it is hereby **ORDERED**
that:

1. The Clerk of Court is **DIRECTED TO CONSOLIDATE** Civil Action No. 3:23-cv-1990 into Civil Action No. 3:23-cv-1989.
2. The Clerk of Court is directed to **CLOSE** Civil Action No. 3:23-cv-1990.
3. Plaintiff's motion to proceed *in forma pauperis* is construed as a motion to proceed without full

prepayment of fees and costs and the motion is **GRANTED.**

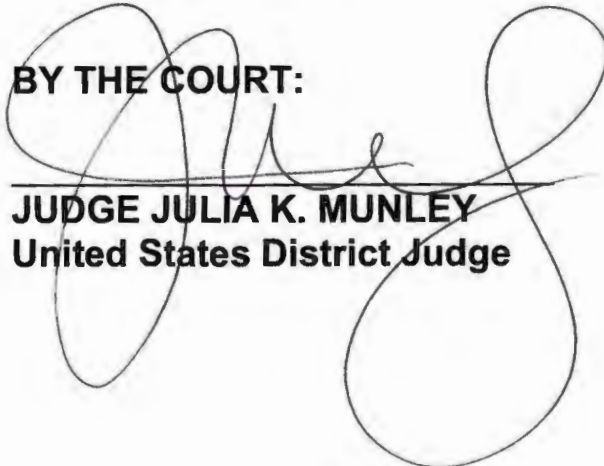
4. The consolidated complaint is deemed filed.
5. Plaintiff must, and has agreed to, pay the full \$350.00 filing fee regardless of the outcome of the litigation. See Doc. 1, Civil No. 3:23-cv-1990.
6. Pursuant to 28 U.S.C. §1915(b)(1) and (2), the Superintendent/Warden, or other appropriate official at Plaintiff's place of confinement is directed to deduct an initial partial filing fee of 20% of the greater of:
 - (A) the average monthly deposits in the inmate's prison account for the past six (6) months, or
 - (B) the average monthly balance in the inmate's prison account for the past six (6) months.

The initial partial filing fee shall be forwarded to the Clerk of the United States District Court for the Middle District of Pennsylvania, P.O. Box 1148, Scranton, Pennsylvania, 18501-1148, to be credited to the above-captioned docket number. In each succeeding month, when the amount in the Plaintiff's inmate prison account exceeds \$10.00, the Superintendent/Warden, or other appropriate official, shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Plaintiff's prison account until the \$350.00 fee is paid. Each payment shall reference the above-captioned docket number.

7. The Clerk of Court is directed to send a copy of this Order to the Superintendent/Warden of the institution wherein Plaintiff is presently confined.

8. Plaintiff's consolidated complaint, Civil No. 3:23-cv-1989, is **DISMISSED without prejudice** pursuant to 28 U.S.C. §1915(e)(2)(B)(ii).
9. The Clerk of Court is directed to **CLOSE** this case.
10. Any appeal from this Order is **DEEMED** frivolous and not in good faith. See 28 U.S.C. §1915(a)(3).
11. This Court's December 4, 2023 Thirty (30) Day Administrative Order is **VACATED**.

BY THE COURT:



JUDGE JULIA K. MUNLEY
United States District Judge